IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH POUSHA 1928

WP(C).No. 334 of 2007(M)

PETITIONER:

SONY MATHEW, KUTTIKATTUMANNIL,
THIRUVAMPADY P.O., KOZHIKODE DISTRICT,
PIN-673 603.

BY ADV. SRI.P.I.DAVIS

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. DIRECTOR OF PUBLIC INSTRUCTION, THIRUVANANTHAPURAM.

3. DISTRICT EDUCATIONAL OFFICER, KOZHIKODE.

4. MANAGER, ST.JOSEPH'S BOYS HIGHER SECONDARY SCHOOL, KOZHIKODE.

R1 TO R3 BY GOVT. PLEADER (SHRI A. J. VARGHESE)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 334 OF 2007 M

Dated this the 3rd January, 2007

JUDGMENT

Petitioner challenges Ext.P3 staff fixation order to the extent the third respondent has issued direction to oust the petitioner from the post of HSA (Maths) in the fourth respondent's School. He also seeks a declaration that the third respondent has no authority to issue such direction. Heard the learned Government Pleader also. I feel that the petitioner has an alternate remedy by filing a petition under Rule 12E(3) of Chapter XXIII KER before second respondent, Director of Public Instruction. In such circumstances, if the petitioner moves a petition under Rule 12E(3) of Chapter XXIII KER before second respondent within a period of two weeks from the date of receipt of a copy of this Judgment, the second respondent will consider and take a decision on the said petition in accordance with law, after hearing the petitioner and all other affected parties, within a period of two months from the date of

filing the petition. It is also open to petitioner to seek interim relief against Ext.P3 before second respondent. If the petitioner seeks interim relief before second respondent, appropriate orders in accordance with law shall be passed by second respondent within a period of one week of seeking interim relief.

The Writ Petition is disposed of as above.

K. M. JOSEPH, JUDGE

kbk.